

REMARKS

Claims 22-32 are pending. Claims 22-32 were subject to the Requirement for Election of Species. With this Amendment, Applicants have amended claims 22-23 to depend upon claim 24. Support for the amendment as filed may be found throughout the specification and claims as originally filed, e.g., at paragraph [0016] bridging pages 6-7. No new matter has been added.

Restriction Requirement

The Examiner has indicated that restriction is required to one of the following species of targets of inhibition:

1. transcription factor KLF4;
2. vascular remodeling; and
3. arteriosclerosis.

Election with Traverse

In order to be responsive to the requirement for restriction, Applicants elect Species 3 set forth as “arteriosclerosis,” with *traverse*. Applicants submit that at least Claims 24-32, and claims 22-23 as amended, read on the elected species. Claim 24 is generic.

Traverse

Notwithstanding the election of Species 1 set forth as “arteriosclerosis” in order to be responsive to the Requirement for Election of Species, Applicants respectfully traverse the Examiner’s election of species requirement. In addition, Applicants further submit that the Requirement for Election of Species is rendered moot by the instant amendment.

The Examiner has stated that the species are deemed to lack unity of invention because they allegedly are not so linked as to form a single general inventive concept under PCT Rule 13.1. In particular, the Examiner asserts that “[t]he target of inhibition against arteriosclerosis has been taught by treatment of Applicants claimed compound. See Muto (Us [sic] 5852057; of record).”

In response, Applicants submit that the claims encompass a special technical feature which defines a contribution over Muto. Applicants further note that this application is an application filed under 35 U.S.C. § 371 and that unity of invention requirements apply. Applicants submit that the Office has not set forth any rationale as to why the species are not so linked as to form a single general inventive concept, nor has the office indicated what it alleges the special technical feature of the groups of species to be. Accordingly, the requirement for election of species is deficient because unity of invention as set forth under 35 U.S.C. § 371 and 37 C.F.R. § 1.475 has not been meaningfully addressed. Applicants respectfully remind the Office that pursuant to these rules, when the Office concludes that all of the claims share a “special technical feature,” any remaining non-elected claims should be rejoined.

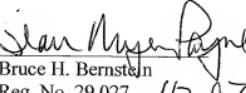
In any event, Applicants submit that the species requirement is moot in view of the instant amendment. In particular, Applicants submit that the claimed subject matter as amended is directed to methods of treatment for arteriosclerosis, and as such the target of inhibition is arteriosclerosis. Applicants further submit that the specification discloses, e.g., at paragraph [0016], page 6, that a medicament of the present invention has an inhibitory action against vascular remodeling and/or arteriosclerosis based on the inhibitory action against the activation of the transcription factor KLF5. The same paragraph further discloses that in pathologic conditions of hypertension related to progression of arteriosclerosis and the like, the cellular

architecture of blood vessel walls changes in response to various loads on blood vessels, and vascular remodeling occurs. Accordingly, Applicants submit that claims 22-23 as amended are included within the species set forth by the Examiner insofar as (1) claims 22-23 ultimately target inhibition of arteriosclerosis, (2) inhibition of arteriosclerosis and/or vascular remodeling is based on the inhibitory action against the activation of KLF5, and (3) vascular remodeling occurs in pathologic conditions of hypertension related to progression of arteriosclerosis and the like.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the Requirement for Election of Species, and withdraw the same or that the Examiner find the Requirement moot, so as to give an examination on the merits on all of the claims pending in this application for which Applicants have timely paid appropriate claim fees.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Ryozo NAGAI et al.


Bruce H. Bernstein
Reg. No. 29,027 42,970

January 21, 2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191